

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JOSE MARTIN NAVA-RAMIREZ,

Defendant.

CASE NO. 8:05CR17

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation (Filing No. 17) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 8). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing statements obtained after his January 18, 2005, stop and questioning. Judge Gossett determined: officers had probable cause to arrest the Defendant;¹ and the Defendant's statements were voluntary.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the Defendant's brief (Filing No. 12) and the transcript (Filing No. 16). The Court has also viewed the evidence. (Filing No. 14) Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

¹The Defendant's argument was that because his Fourth Amendment rights were violated, his statements should be suppressed as a fruit of the illegal arrest.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 17) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 8) is denied.

DATED this 28th day of June, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge